



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,671	04/27/1999	HIROKAZU TAKAGAKI	450100-4862	4747

20999 7590 08/28/2003

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
----------	--------------

2685

DATE MAILED: 08/28/2003

26

Please find below and/or attached an Office communication concerning this application or proceeding.

26

Office Action Summary

Application No.

09/300,671

Applicant(s)

TAKAGAKI, HIROKAZU

Examiner

Sonny TRINH

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 7-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 7-8, 10-11, 13-14, 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (Goodman; Patent No. 5,594,779), Wegrzyn (Wegrzyn; Patent No. 5,729,540), Salomaki, Ari (Salomaki; International Publication Number WO 97/28649) and in further view of Shroeder et al. ("Shroeder"; Patent No. 5,797,098).

Consider **claim 7**. With reference to figures 1-6 and their detailed descriptions, Goodman teaches a mobile communication apparatus (figure 2), comprising:

- a) communication means for transmitting and receiving information signals to and from a base station (figure 1, element 4) via radio waves (radio wave between cellular

Art Unit: 2685

network 4 and user terminal 2); said base station further transmitting and receiving information signals to and from a service provider (abstract) through a public line network (column 1, lines 5-15, column 10, lines 30-49, column 3, lines 39-47);

b) input/output means for a user to interact with said mobile communication apparatus (figure 2); said input/output means comprising a keypad (control interface 40), display means (control interface 40), a speaker (inherent in most mobile telephone), and a microphone (figure 2, element 44);

However, Goodman does not disclose that the communication apparatus is operable to receive said information signals from said base station automatically and periodically.

In an analogous art, Wegrzyn teaches the system and method for scheduling messages on a common channel. Wegrzyn further teaches communication apparatus is operable to receive said information signals from said base station automatically and periodically (column 3, lines 23-45). However, the combination of Goodman and Wegrzyn does not disclose the memory means including a removable semiconductor memory and the processing means for encrypting the information signals prior to storage in said memory means.

In an another analogous art, Salomaki teaches the scrambling of digital media objects in connection with transmission and storage. Salomaki further teaches that Smart Card can be used in products like GSM mobile telephone system that can encrypt the data in connection with transmission and storage so that their reception and

Art Unit: 2685

reproduction without a permission is as difficult as possible (pages 1-5, specifically page 2 lines 4-15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include, within the Goodman's system, the periodically and automatically downloading data, as taught by Wegrzyn, and the removable memory module as taught by Salomaki in order to download data whenever the traffic is light so as not to overburden the network as taught in the cited paragraph in Wegrzyn's and by encrypting the data in connection with transmission and storage in the Smart Card, as taught by Salomaki, the user can protect his/her personal information that are stored in the memory module.

However, the combination of Goodman, Wegrzyn and Salomaki does not explicitly disclose that the removable semiconductor memory is formed of an integrated circuit card having a built-in nonvolatile flash ROM.

In an another analogous art, Schroeder teaches the user interface for cellular telephone. Figure 1A is shows a hand held cellular telephone and figure 1B shows a block diagram of a processing system for implementing said cellular telephone (see detailed description). Schroeder further teaches that such cellular telephone can have a Flash ROM (figure 1B, block 22, column 3 lines 45-63).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include, within the system of Goodman, Wegrzyn and Salomaki, the Flash ROM, as taught by Schroeder, so that data will not be lost when the

Art Unit: 2685

mobile device loses its power and data/program can be recover or rewritten over and over again.

Consider **claim 8**. Goodman further teaches the communication apparatus comprising recording/reproducing means for recording information signals input to said memory means and for reproducing information signals stored in said memory means (figure 4, column 12, lines 1-58).

Consider **claim 10**. The combination of Goodman, Wegrzyn, Salomaki and Schroeder together discloses the invention, however, the combination does not disclose a headphone device so that a user can listen to the information (it is noted that figure 2 of Goodman discloses an optional handset 42). However, using a headphone is widely known and used in the communication field and the Examiner takes Official notice of such use for protecting the privacy of the information (i.e. music, voice) that is being presented to the user or when the user simply does not want to be bother by any other noise source or does not want to bother anybody else.

Consider **claim 11**. Goodman further teaches the information signals include voice data, and music data (column 14, lines 31-63).

As to **claims 13-14, 16-17**, these claims merely reflect the method claim to the apparatus claim of claims 7-8, 10-11 (respectively) and are therefore rejected for the same reasons.

3. **Claims 9, 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (Goodman; Patent No. 5,594,779), Wegrzyn (Wegrzyn; Patent No.

Art Unit: 2685

5,729,540), Salomaki, Ari (Salomaki; International Publication Number WO 97/28649) , Shroeder et al. ("Shroeder"; Patent No. 5,797,098) and in further view of Kariya (Kariya; Patent No. 6,169,897).

Consider **claim 9**. The combination of Goodman, Wegrzyn, Salomaki and Schroeder together discloses the invention, however, the combination does not disclose that said public line network is the internet and said base station communicates with said service provider using a universal resource locator. In another analogous art, Kariya discloses a mobile communications system which provides a mobile subscriber with local information. Kariya further discloses that said public line network is the internet and said base station communicates with said service provider using a universal resource locator (figures 1-2, detailed description, column 3, line 54 to column 5, line 32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include, within the within the system of Goodman, Wegrzyn, Salomaki, Schroeder, the internet with the URL, as taught by Kariya in order to tap into the vast information afforded by the internet for downloading different types of data.

As to **claim 15**, this claim merely reflect the method claim to the apparatus claim of claim 9 and is therefore rejected for the same reasons.

4. **Claims 12, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (Goodman; Patent No. 5,594,779), Wegrzyn (Wegrzyn; Patent No.

Art Unit: 2685

5,729,540), Salomaki, Ari (Salomaki; International Publication Number WO 97/28649), Shroeder et al. ("Shroeder"; Patent No. 5,797,098) and in further view of Bowen (Bowen; Patent No. 6,052,606).

Consider **claim 12**. The combination of Goodman, Wegrzyn, Salomaki and Shroeder discloses the invention, however, the combination does not disclose that display means comprises a liquid crystal display (LCD) having a touch sensing screen, whereby the user can input information signals by touching said touch sensing screen. In another analogous art, Bowen discloses a cellular telephone handset with a liquid crystal display screen including a touch sensitive functions using said LCD (figure 2, touch sensitive display 17, columns 1-2). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include, within the the system of Goodman, Wegrzyn, Salomaki, Schroeder, the touch sensitive LCD, as taught by Bowen in order to enable a larger amount of information to be displayed simultaneously with the function keys on the screen.

As to **claim 18**, this claim merely reflect the method claim to the apparatus claim of claim 12 and is therefore rejected for the same reasons.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2685

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached on Tuesday-Friday from 7:00 a.m. to 4:30 p.m. The examiner can also be reached on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-306-0377.

Sonny Trinh

PATENT EXAMINER

8/20/03

SONNYTRINH S.T.
PATENT EXAMINER